

REMARKS

By the present Amendment, minor revisions have been made in the specification, the original claims have been amended to define certain aspects with greater precision, and new claims have been added which include the subject matter which the Examiner indicated would be allowable if rewritten in independent form. More specifically, and in response to the points set forth in order in the Official Action, claim 18 has been amended to include the definitions of various groups included in the formula consistent with the description provided on pages 25 and 26 of the specification. In addition, claim 1 has been amended to recite that the substrate, photosensitive layer and overcoat layer are provided in that order as set forth in the description provided in the paragraph beginning on page 5, line 6. In this regard, it is to be understood that other known layers, such as an intermediate layer, a backcoat layer or the like, may also be present which is consistent with the description provided in that same paragraph and the recitations of dependent claim 20. Claim 4 has been canceled without prejudice or disclaimer based on the Examiner's understanding of the term "hydrophobic", and claim 8 has been amended to clarify the composition of the copolymer. Claim 3 has been amended to recite that the overcoat layer does not have sensitivity to an infrared laser which is consistent with the teachings of the specification such as the last paragraph on page 20. Finally, claim 7 has been amended to define this aspect of the invention with greater precision without using the term noted by the Examiner.

Applicant sincerely appreciates the indication of allowability of claims 15 and 16 (both of which depend from dependent claim 14) and such claims have been presented as new independent claims 22 and 35, respectively, with new sets of dependent claims appurtenant thereto.

Claim 1 has further been amended to recite that the photosensitive layer is a photopolymerization layer comprising an infrared ray absorbing agent, a radical generating agent, and a radical polymerizable compound which polymerizes with the generated radicals and cures with the radical generating agent being at least one onium salt. New claim 21 depends from claim 1 and specifies that the onium salt is a sulfonium salt which is consistent with the description provided on pages 28-30 of the specification and the illustrated embodiment on page 67.

Turning to the prior art rejections set forth in the Action, Hauck, U.S. Patent No. 6,555,291, relates to thermally imageable elements useful as lithographic printing plates.¹ The element comprises a support with a hydrophilic surface, an underlayer over the hydrophilic surface, and a top layer over the underlayer which contains a polymeric material, such as a novolac resin, a resol resin, or a mixture thereof, but does not require a compound that functions as a solubility-suppressing component for the polymeric material. The Examiner has referred to the underlayer being a negative-working, base soluble

¹ Without conceding the status of "prior art" of either Hauck and particularly the published PCT counterpart which has a publication date subsequent to the Japanese priority date claimed in the present application, applicant will confine the discussion to the U.S. patent counterpart.

photosensitive composition which is disclosed in the passage beginning at column 7, line 17.

Hauck does not teach the subject matter of any of the claims now of record. With respect to claim 1, Hauck does not disclose the presence of an onium salt as a radical generator in the photopolymerization layer that includes a polymerizable compound. As described on page 28 of the present application, the onium salts together with the claimed radical polymerizable compound function as initiators of radical polymerization and enable image formation by only infrared radiation.

Hauck is also substantially different from the present invention with respect to the functions of their respective layers. In particular, Hauck discloses that it is preferable if the top layer functions to control the penetration of a developer to the underlayer. In this respect, the polymeric material in the top layer is typically insoluble in an aqueous alkaline developer and in this respect, the passage at column 10, lines 45-49 specifically states:

Typically, the second polymeric material is insoluble in the aqueous alkaline developer. It is removed and dispersed in the developer when the developer penetrates the top layer in the exposed regions and dissolves or disperses the underlayer in these regions.

Thus, Hauck discloses an embodiment in which the top layer remains after development and the top layer accepts ink when printing as noted by the Examiner in the Official Action. In contrast, the upper layer (overcoat layer) of the present invention is a temporary layer that is designed to be removed by development. In the present invention, the ink receiving layer is the photosensitive layer. Therefore, while the overcoat layer is

hydrophobic to the extent not causing ink repelling, the overcoat layer is not necessarily ink-receptive. Accordingly, when all of these distinctions are considered together, those of ordinary skill in the art will recognize that the various aspects of the present invention are substantially different from Hauck and therefore applicant respectfully requests reconsideration and allowance of all the claims currently of record.

Should the Examiner wish to discuss any aspect of the present application, she is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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